



**TOWN OF LOS GATOS
PLANNING COMMISSION
SPECIAL MEETING REPORT**

MEETING DATE: 11/21/2022

ITEM NO: 2

DATE: November 18, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Construction of a Shared Driveway, Two New Single-Family Residences to Exceed the Maximum Height for Visible Homes in the Hillside, and Site Work Requiring a Grading Permit on Vacant Property Zoned HR-2½. Located at 400 Surmont Drive. APN 527-20-003. Architecture and Site Applications S-21-004 and S-21-023. PROPERTY OWNER: Sandra K. Anderson, TTE. APPLICANT: Studio 3 Design. PROJECT PLANNER: Ryan Safty.

RECOMMENDATION:

Consider approval of a request for construction of a shared driveway, two new single-family residences to exceed the maximum height for visible homes in the hillside, and site work requiring a grading permit on vacant property zoned HR-2½ located at 400 Surmont Drive.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-2½
Applicable Plans & Standards: General Plan; Hillside Development Standards and Guidelines
Parcel 1 Size: 1.39 acres (60,752 square feet)
Parcel 2 Size: 1.33 acres (57,840 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-2½
South	Residential	Hillside Residential	HR-2½
East	Residential	Hillside Residential	HR-2½
West	Residential	Hillside Residential	HR-2½

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

A Notice of Exemption (NOE) was prepared for the previous subdivision and subsequent construction of a driveway and two new single-family residences in 2020. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction, and consistent with the previously prepared NOE.

FINDINGS:

- A Notice of Exemption was prepared for the previous subdivision and subsequent construction of a driveway and two new single-family residences in 2020. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction, and consistent with the previously prepared Notice of Exemption.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project complies with the Hillside Development Standards and Guidelines, with requested exceptions for maximum allowed height of visible homes in the hillsides, maximum height of the lowest finished floor of a structure above existing grade, maximum cut for the rear yard areas adjacent to each proposed home, maximum cut and fill for the shared driveway and fire turnaround areas, and maximum retaining wall heights.
- The project complies with the Hillside Specific Plan.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located at the terminus of Surmont Drive, approximately 1,300 feet south of Blossom Hill Road (Exhibit 1). The 15-acre property was subdivided on October 6, 2020, into three separate parcels: vacant Parcel 1 at the northern edge; vacant Parcel 2 in the middle; and “remainder” Parcel 3 to the south with an existing single-family residence. The property owner is in the process of recording the Parcel Map for this subdivision. A NOE was filed with the subdivision application, which included reviews of the following technical analyses: Biological Resources Report; Arborist Report; Geotechnical Investigation; and

BACKGROUND (continued):

Geologic Report. The NOE also included review of future construction of a driveway and one single-family residence on each of the two new lots (Exhibit 4).

An existing ephemeral drainage feature exists along the western edge of the properties, immediately adjacent to the entrance of the new shared driveway. To prevent indirect impacts on water quality within the drainage and in the downslope watershed, a two-foot tall retaining wall is proposed between the driveway and the drainage feature for the 30-foot portion of the driveway closest to the drainage feature. With the inclusion of this wall, along with standard environmental conditions of approval recommended in the NOE, the project would not have a significant effect on the environment. This retaining wall is shown in the proposed plans, and the standard environmental conditions of approval are included with these applications (Exhibit 3).

Following approval of the subdivision application, Parcel 1 is approximately 60,752 square feet, with an average slope of 27.3 percent. Parcel 2 is approximately 57,840 square feet, with an average slope of 27.3 percent. Architecture and Site application S-21-004 includes the proposed shared driveway and construction of a single-family residence and attached garage on Parcel 1. Architecture and Site application S-21-023 includes construction of a single-family residence and attached garage on Parcel 2. Both Architecture and Site applications have been referred to the Planning Commission for major exceptions to the Hillside Development Standards and Guidelines (HDS&G) for maximum height of visible homes in the hillsides.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located at the terminus of Surmont Drive, approximately 1,300 feet south of Blossom Hill Road (Exhibit 1). The property contains three parcels: vacant Parcel 1 at the northern edge; vacant Parcel 2 in the middle; and "remainder" Parcel 3 to the south with an existing single-family residence. Parcel 1 is approximately 60,752 square feet and Parcel 2 is approximately 57,840 square feet. Single-family and hillside residential development surrounds the parcel. From the terminus of Surmont Drive, the property ascends approximately 75 feet to the highest point of Parcel 2.

B. Project Summary

The applicant proposes construction of a new shared driveway and two new single-family residences on vacant Parcel 1 and Parcel 2. Both residences would be single-story with attached garages and located within the Least Restrictive Development Area (LRDA) for each parcel. The proposed driveway work and site work associated with the two residences

PROJECT DESCRIPTION (continued):

requires a Grading Permit as the proposed earthwork quantities would exceed 50 cubic yards.

The proposed applications would comply with the objective standards of the Town Code, but exceptions to the HDS&G are requested. The specific exceptions include: maximum allowed height of visible homes in the hillsides; maximum height of the lowest finished floor of a structure above existing grade; maximum cut for the rear yard areas adjacent to each proposed home; maximum cut and fill for the shared driveway and fire turnaround areas; and maximum retaining wall heights.

C. Zoning Compliance

Single-family residences and garages are permitted in the HR-1 zone. The proposed residences are in compliance with the zoning regulations for allowable floor area, height, setbacks, and on-site parking requirements for the property.

DISCUSSION:A. Architecture and Site Analysis**Parcel 1 (Architectural and Site Application S-21-004)**

Pursuant to the HDS&G, when determining the maximum allowable floor area for a hillside property, the gross lot area is reduced based on its average slope. Parcel 1 is approximately 60,752 square feet with an average lot slope of 27.3 percent. Based on this average slope, the net lot area is 29,222 square feet, which provides for a maximum allowable floor area of 5,700 square feet.

The applicant proposes construction of a new 3,683-square foot, single-story residence with an attached 996-square foot garage on Parcel 1 (Exhibit 15). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 5). The residence includes a 996-square foot attached garage, 596 square feet of which would count toward the total house floor area allowed for the property. A summary of the floor area for the proposed Parcel 1 residence is included in the table below.

Parcel 1 - Floor Area	
Residence	3,683 sf
Garage	996 sf
Subtotal	4,679 sf
Garage Credit	(400 sf)
Total	4,279 sf

DISCUSSION (continued):

The proposed residence on Parcel 1 would be sited near the center of the parcel, within the LRDA. The maximum height of the proposed residence is approximately 25 feet, where a maximum of 30 feet is allowed by the Town Code and a maximum of 18 feet is allowed by the HDS&G for homes that are more than 24.5 percent visible from the established viewing areas. The project requires a Grading Permit for site improvements for earthwork quantities exceeding 50 cubic yards associated with the building footprint and new driveway. Exceptions to the HDS&G are requested, which are described in Section B below.

Parcel 2 (Architectural and Site Application S-21-023)

Parcel 2 is approximately 57,840 square feet with an average lot slope of 27.3 percent. Based on this average slope, the net lot area is 27,821 square feet, which provides for a maximum allowable floor area of 5,500 square feet.

The applicant proposes construction of a new 3,450-square foot, single-story residence with 713 square feet of countable attic space above and an attached 671-square foot garage on Parcel 2 (Exhibit 16). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 5). The residence includes a 671-square foot attached garage, 271 square feet of which would count toward the total house floor area allowed for the property. A summary of the floor area for the proposed Parcel 2 residence is included in the table below.

Parcel 2 - Floor Area	
Residence	3,450 sf
Countable Attic	713 sf
Garage	671 sf
Subtotal	4,834 sf
Garage Credit	(400 sf)
Total	4,434 sf

The proposed residence would also be sited near the center of the parcel within the LRDA. The maximum height of the proposed residence is approximately 25 feet, where a maximum of 30 feet is allowed by the Town Code and a maximum of 18 feet is allowed by the HDS&G for homes that are more than 24.5 percent visible from the established viewing areas. Exceptions to the HDS&G are requested, which are described in Section B below.

B. Hillside Development Standards and Guidelines

Per the Project Description/Letter of Justification (Exhibit 5), both homes are designed to maintain as many trees on the property as possible, and are sited to protect the uphill

DISCUSSION (continued):

neighbor's view to the valley floor as well as not to loom over or cast shadows on the downhill neighbor. The proposed residences run parallel to the contour lines and the footprints are adjusted to step with grade and around existing mature trees. The overall bulk and mass of the homes are broken up with a mix of materials to enhance the character. The following includes descriptions of the requested HDS&G exceptions.

Maximum Building Height Exception (Parcels 1 and 2)

Town Code allows a maximum height of 30 feet in the Hillside Residential zones; however, the HDS&G has more restrictive requirements. Per the HDS&G, buildings that are more than 24.5 percent visible from the established viewing areas are limited to 18 feet in height. Both proposed homes are considered visible from the Almaden Road/Selinda Way viewing area as follows: Parcel 1 residence is visible only in certain areas of the viewing areas as the proposed footprint is situated lower on the hill, and portions of Leigh High School block views to the site; and Parcel 2 is visible from most of the viewing area. Both residences are proposed to be approximately 25 feet in height, and therefore, exceptions to the HDS&G are required for each proposed residence. Pursuant to the HDS&G, building height exceptions are considered "major exceptions" and require Planning Commission approval; with, "the burden of proof on the applicant to show that there are compelling reasons for granting the requested deviation."

Per the applicant's Project Description/Letter of Justification (Exhibit 5), although both homes are considered visible, the proposed materials blend into the hillside significantly better than adjacent homes. Additionally, the applicant has provided the following additional justification for the maximum building height exceptions within the Visibility Analysis (Exhibit 9); specifically:

- Both parcels are within Environmentally Sensitivity – Level 1 pursuant to the Blossom Hill Open Space study and are over 70 feet away from the designated "critically visible slopes;"
- The Almaden Road/Selinda Way viewing area is outside of Town limits and is roughly one- and one-half miles away from the project site; and
- Other homes in the adjacent area are more visible.

Parcel 1 Exceptions (Architecture and Site Application S-21-004)

As noted in the applicant's Project Description/Letter of Justification (Exhibit 5), additional exceptions to the HDS&G are requested for the proposed shared driveway and residence associated with Architecture and Site application S-21-004 for Parcel 1, summarized below with the HDS&G requirement, requested exception, and applicant's justification:

DISCUSSION (continued):

- HDS&G Chapter V, Section E, Standard 4: The height of the lowest finished floor(s) of a structure, excluding below grade square footage pursuant to Section 29.40.072 of the Town Code, shall not be more than three feet above the existing grade to ensure that buildings follow slopes.
 - Proposed: Approximately five feet along the North Elevation (Exhibit 15).
 - Applicant's justification: *The house footprint sits across approximately 12 feet of vertical grade differential while internal floor level changes absorb approximately five feet of height [...] We have done our best to minimize the external grading that would be visible around the residence perimeter with the use of terraced walls at the rear yard and natural undulating slopes below the house. Along the north wall, we have included shallow fill slopes to mask the underfloor area and only 40 feet of the 100-foot length is at five feet above existing grade. The complex matrix of grading depth, building height, and terraced retaining walls results in this exception [...].*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills: The maximum allowed cut outside of building excavation is four feet.
 - Proposed: Approximately nine feet as seen on Section D-D of Civil Sheet C-8 (Exhibit 15).
 - Applicant's justification: *Given the multiple depth of grading constraints, the terraced wall area has been compressed horizontally to minimize the amount and depth of grading to provide for a minimum safe perimeter pathway width of six feet. This allows for fire department ladder placement and a "wetband" of landscape for fire suppression. Finally, the highest top of retaining wall is at the roof eave level and as such, any and all of the rear yard grading is fully masked by the residence from off-site views.*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills: The maximum allowed cut for driveways is four feet.
 - Proposed: Approximately five feet of cut as seen in the Earthwork Summary table provided on Sheet C-8 (Exhibit 15).
 - Applicant's justification: *We contend that the (driveway cut and fill maximums) are no longer valid now that as of April 2021, Santa Clara County Fire has significantly upsized their turnaround requirements and now requires the entire approach at five percent slope. The previous standard was [...] a 20 percent slope for the approach driveway [...] The depth of cut non-conformance is limited to 160 square feet at the interface of the lower fire department turnaround with the Parcel 2 driveway and does not result in a prominent visual scar on the hillsides.*

DISCUSSION (continued):

- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills:
The maximum allowed fill for driveways is three feet.
 - Proposed: Approximately four feet of fill as seen in the Earthwork Summary table provided on Sheet C-8 (Exhibit 15).
 - Applicant's justification: *This occurs at the driveway where it intersects the parking area for the Parcel 1 garage. Note that we previously reduced the driveway width at this location due to a five-foot fill. We really can't squeeze this any further, but have provided an undulating slope at the base of the retaining wall to mask this fill, resulting in a new wall height of three feet.*

Parcel 2 Exceptions (Architecture and Site Application S-21-023)

As noted in the applicant's Project Description/Letter of Justification (Exhibit 5), additional exceptions to the HDS&G are requested for the proposed residence and private driveway associated with Architecture and Site application S-21-023 for Parcel 2, summarized below with the HDS&G requirement, requested exception, and applicant's justification:

- HDS&G Chapter V, Section E, Standard 4: The height of the lowest finished floor(s) of a structure, excluding below grade square footage pursuant to Section 29.40.072 of the Town Code, shall not be more than three feet above the existing grade to ensure that buildings follow slopes.
 - Proposed: Approximately six feet along the North Elevation (Exhibit 16).
 - Applicant's justification: *Again, similar to Parcel 1, a one-story residence has a slightly larger footprint but is at least 10 to 12 feet shorter than a two-story residence design. So it is a matter of balance of visibility versus grading. To paraphrase the words of former Los Gatos Mayor, Randy Attoway, "I'd rather see a one time grading impact from foundation excavation for a week than stare at a 35-foot tall building for more than 60 years." Such is the case here as to underfloor clearance that is merely five feet where three is the maximum [...] There is a 30-foot length that is non-compliant in a location that is invisible to any downslope neighborhood.*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills:
The maximum allowed cut outside of building excavation is four feet.
 - Proposed: Approximately nine feet as seen on Section B-B of Civil Sheet C-9 (Exhibit 16).
 - Applicant's justification: *While we are allowed an eight-foot cut at the rear of the residence, we could have buried the rear of the house against a retaining wall. This would have compromised the floor plan and the window placement on the rear wall. Extensive moisture protection for the large retaining wall would also have been required [...] Our current proposal of two*

DISCUSSION (continued):

terraced walls with a fire ladder platform and landscape wetband around the residence is preferred for fire safety and aesthetics. The area of non-compliance is merely 70 feet long by seven feet wide at the invisible southeast corner of the residence.

- HDS&G Chapter VI, Section C, Guideline 1: Retaining walls should not be higher than five feet. Where an additional retained portion is necessary due to unusual or extreme conditions, the use of multiple-terraced, lower retaining structures is preferred.
 - Proposed: Approximately six-foot tall retaining wall behind the garage as shown on Sheet C-9 (Exhibit 16).
 - Applicant's justification: *The attached garage is buried eight feet at the southeast corner and this is merely a 20-foot long transition from the eight-foot garage wall to the four-foot yard wall.*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills: The maximum allowed fill for driveways is three feet.
 - Proposed: Approximately four feet of fill as seen in Section A-A on Sheet C-9 (Exhibit 16).
 - Applicant's justification: *This is required to balance the cut and fill across the massive 3,600-square foot fire department turn around which is the size of a [...] convenience store parking lot. We have done our best to mask the fill with that same trapezoidal wall used at the high crawl space. This is merely an area of 100 square feet.*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills: The maximum allowed fill for driveways is three feet.
 - Proposed: Approximately five feet of fill for the fire department turnaround area as seen in the Earthwork Summary table provided on Sheet C-9 (Exhibit 16).
 - Applicant's justification: *This fire department turnaround sits diagonally across 80 feet of slope [...] with five percent maximum slope imposed by Fire [...] The size and slope for the fire department turnaround are non-negotiable [...].*
- HDS&G Chapter III, Section A, Standard 1, Table 1 – Maximum Graded Cuts and Fills: The maximum allowed cut for driveways is four feet.
 - Proposed: Approximately five feet of cut as seen in the Earthwork Summary table provided on Sheet C-9 (Exhibit 16).
 - Applicant's justification: *We contend that the (driveway cut and fill maximums) are no longer valid now that as of April 2021, Santa Clara County*

DISCUSSION (continued):

Fire has significantly upsized their turnaround requirements and now requires the entire approach at five percent slope. The previous standard was [...] a 20 percent slope for the approach driveway [...] The depth of cut non-conformance is limited to 160 square feet at the interface of the lower fire department turnaround with the Parcel 2 driveway and does not result in a prominent visual scar on the hillsides.

C. Building Design

Parcel 1 (Architectural and Site Application S-21-004)

The project proposes a Mediterranean inspired residence and garage with neutral colors and materials each with a Light Reflectivity Value (LRV) of under 30, compliant with the HDS&G. Proposed exterior materials include smooth stucco siding; clay tile roofing; aluminum clad windows with cast stone trim; wood posts and columns; and wrought iron railing (Exhibit 7). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 5).

Parcel 2 (Architectural and Site Application S-21-023)

The project proposes a Modern Farmhouse inspired residence and garage with neutral colors and materials each with a LRV of under 30, compliant with the HDS&G. Proposed exterior materials include a mixture of horizontal and board and batten wood siding; shingled roofing with metal standing seam roofing used as accents throughout the roof form; aluminum clad windows; wood posts and columns; and wood railing (Exhibit 8). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 5).

The Town's Consulting Architect reviewed the proposed residences on July 23, 2021 (Exhibit 10). In the report, the Consulting Architect noted that each proposed home is limited to one-story in height and designed to blend into the natural topography of the site. They are well designed with substantial façade articulation and authentic architectural details carried consistently around all sides of the homes. The Consulting Architect identified two minor concerns, one for each proposed residence. The Consultant's recommendation for each residence is provided below, along with the applicant's response (Exhibit 11).

DISCUSSION (continued):

- Parcel 1 Recommendation: Provide an adequate recess for all windows and assure that the size of the window head trim and sills are properly scaled for the size of the home.
 - Applicant Response: *Windows for Parcel 1 will be set to the inside and will provide the desired look/detail. The floor plan has been revised to show the new window placement.*
- Parcel 2 Recommendation: Reevaluate the Parcel 2 building base materials, details, and potential buffer landscaping. This will be a judgement call for the architect and applicant, but using board form concrete at the exposed base for the wall may not be the best solution for this architectural style.
 - Application Response: *We will proceed with board form concrete and will provide a textural change.*

D. Neighborhood Compatibility

Pursuant to the HDS&G, the maximum allowable floor area is 5,700 square feet for Parcel 1, and 5,500 square feet for Parcel 2. The table below reflects the current conditions of the homes in the immediate area and the proposed projects.

Address	Zoning	House	Garage	Total Floor Area (w/garage credit)	Lot Size	FAR	No. of Stories
Parcel 1 (Proposed)	HR-2.5	3,683	996	4,279	60,752	0.070	1
Parcel 2 (Proposed)	HR-2.5	4,163	671	4,434	57,840	0.077	1
400 Surmont Drive	HR-2.5	2,798	600	2,998	530,095	0.006	1
401 Surmont Drive	HR-2.5	1,960	440	2,000	520,341	0.004	1
200 Surmont Drive	HR-2.5	3,050	816	3,466	66,974	0.052	1
303 Belgatos Lane	HR-2.5	3,250	615	3,465	123,389	0.028	1
307 Belgatos Lane	HR-2.5	6,495	2430	8,525	464,785	0.018	2
308 Belgatos Lane	HR-2.5	4,165	1349	5,114	84,070	0.061	2
198 Surmont Ct	R-1:20	2,742	657	3,399	18,080	0.152	1
180 Surmont Ct	R-1:20	4,007	1135	5,142	21,228	0.189	2
197 Surmont Ct	R-1:10	3,474	720	4,194	10,170	0.342	2
155 Surmont Dr	R-1:10	4,340	562	4,902	20,763	0.209	1

The properties in the immediate neighborhood are developed with one- and two-story residences with a mix of Hillside Residential and Single-Family Residential zoning. With the different zoning classifications, the property sizes within the immediate neighborhood vary drastically, with a range from 10,170 square feet to 12 acres.

DISCUSSION (continued):

Based on Town and County records, the square footage of the residences located in the immediate neighborhood range from 1,960 square feet to 8,525 square feet. The subject parcels are larger than the adjacent Single-Family Residential properties, yet smaller than the other Hillside Residential properties.

Parcel 1 (Architectural and Site Application S-21-004)

The applicant is proposing a 3,683-square foot residence with an attached 996-square foot garage on a 1.39-acre parcel, where a maximum total floor area of 5,700 square feet is allowed by the HDS&G. The proposed development on Parcel 1 would be the fifth largest in terms of total square footage and fifth largest in terms of FAR.

Parcel 2 (Architectural and Site Application S-21-023)

The applicant is proposing a 4,163-square foot residence with an attached 671-square foot garage on a 1.33-acre parcel, where a maximum total floor area of 5,500 square feet is allowed by the HDS&G. The proposed project would be the fifth largest in terms of total square footage and fifth largest in terms of FAR.

E. Site Access

A 12-foot-wide shared driveway approach is proposed at the north-western corner of the property, immediately adjacent to the ephemeral drainage feature and the neighboring property at 200 Surmont Drive. The shared driveway approach would have a 20 percent slope, leading to a Fire Department hammerhead turnaround feature with a five percent slope, all of which would be located on Parcel 1. The Parcel 1 and Parcel 2 driveways each have a 20 percent slope and would branch-off from the hammerhead feature. The Parcel 1 private driveway would run along the northern edge of Parcel 1, adjacent to the neighboring property at 200 Surmont Drive, and connect to the three-car garage and four additional on-site guest parking spaces as required by the Hillside Specific Plan. The Parcel 2 driveway would branch off the hammerhead turnaround on Parcel 1, and connect to a separate Fire Department turnaround and the two-car garage and four on-site parking spaces.

F. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried a total of 39 trees within the project area of the two parcels and made recommendations for their preservation (Exhibit 12). The applicant responded to the recommendations of the Consulting Arborist (Exhibit 13) and updated the project plans to show requested tree fencing locations.

DISCUSSION (continued):

The site includes a total of 39 trees, 23 of which are considered protected trees. Two of these trees are Large Protected oak trees (Trees # 116 and 133), both of which are proposed to be protected and preserved. A total of seven protected trees are expected to be highly impacted and are proposed for removal. Based on Town Code, these seven removals require a total of 21, 24-inch box, replacement trees to be planted on the sites. Per the landscape plans, the required replacement requirements would be met, with new trees proposed on either side of the shared driveway and along the northern edge of both homes to provide privacy screening to the downhill neighbors.

G. Visibility

The applicant has submitted a visibility analysis, provided as Exhibit 9. The visibility analysis shows that the proposed residence at Parcel 2 is visible from the Almaden Road/Selinda Way viewing area, but that the Parcel 1 residence would be obscured by portions of Leigh High School. Town staff visited the site and determined that both proposed homes are visible from the Almaden Road/Selinda Way viewing area, with the Parcel 1 residence only blocked from view in certain sections of the viewing area, and therefore both homes are visible and are limited to 18 feet in height pursuant to the HDS&G. The applicant has provided justification for the height exceptions, which are discussed in Section B of the staff report above, as well as the applicant's Letter of Justification (Exhibit 5).

H. Grading

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. For both sites, a total of 2,432 cubic yards of cut and 599 cubic yards of fill are proposed as summarized in the tables below. The proposed grading plan requests exceptions to the maximum allowed cut and fill standards per the HDS&G, as discussed in Section B of the staff report above.

Parcel 1 Grading Summary			
	Cut	Fill	Total
Shared Access	74	40	114
Driveway	80	218	298
Residence	589	100	689
Garage	192	0	192
Rear Yard	320	0	320
Total	1,255	358	1,613

Parcel 2 Grading Summary			
	Cut	Fill	Total
Driveway	205	241	446
Residence	525	0	525
Garage	162	0	162
Rear Yard	285	0	285
Total	1,177	241	1,418

DISCUSSION (continued):

The Town's Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 3). As a part of their review, a Geotechnical and Geological Report was required and peer-reviewed for the entire project. Parks and Public Works have also included conditions of approval related to the recommendations of the peer review.

I. Neighbor Outreach

The applicant has indicated that they have been meeting with the surrounding neighbors to discuss the project dating back to the Subdivision Application review in 2019. A summary of their outreach efforts is included as Exhibit 14.

J. CEQA Determination

A Notice of Exemption (NOE) was prepared for the previous subdivision and subsequent construction of a driveway and two new single-family residences in 2020. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction, and consistent with the previously prepared NOE.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by October 24, 2022. Public comment received by 11:00 a.m. on Friday, November 18, 2022, is included as Exhibit 17. The applicant has provided response to public comment in Exhibit 18.

CONCLUSION:

Summary, Recommendation, and Alternatives are provided separately below for each of the two Architecture and Site Applications under review.

Parcel 1 (Architectural and Site Application S-21-004)

A. Summary - Parcel 1 (Architectural and Site Application S-21-004)

The applicant is requesting approval of an Architecture and Site application for construction of a shared driveway and Fire Department turnaround and a new single-family residence on vacant Parcel 1. The proposed site work associated with the driveway, turnaround, and residence require a Grading Permit. The proposed driveway, turnaround, and single-story residence comply with the Hillside Specific Plan and objective standards of the Town Code.

CONCLUSION (continued):

Exceptions to the HDS&G are requested, including: maximum allowed height of visible homes in the hillsides; maximum height of the lowest finished floor of a structure above existing grade; maximum cut for the rear yard areas adjacent to the proposed residence; and maximum cut and fill for the shared driveway and fire turnaround area.

B. Recommendation - Parcel 1 (Architectural and Site Application S-21-004)

Based on the analysis above, staff recommends denial of the Architecture and Site application due to the extent of the exceptions requested.

C. Alternatives - Parcel 1 (Architectural and Site Application S-21-004)

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Approve the application by taking the following actions:
 - a. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction, and consistent with the previously prepared NOE (Exhibit 2);
 - b. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
 - c. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines with requested exceptions for: maximum allowed height of visible homes in the hillsides; maximum height of the lowest finished floor of a structure above existing grade; maximum cut for the rear yard areas adjacent to the proposed residence; and maximum cut and fill for the shared driveway and fire turnaround area (Exhibit 2);
 - d. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 2);
 - e. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
 - f. Approve Architecture and Site Application S-21-004 with the conditions contained in Exhibit 3 and the development plans in Exhibit 15.

Parcel 2 (Architectural and Site Application S-21-023)

A. Summary - Parcel 2 (Architectural and Site Application S-21-023)

The applicant is requesting approval of an Architecture and Site application for construction of a private driveway and Fire Department turnaround and a new single-family residence on

CONCLUSION (continued):

vacant Parcel 2. The proposed site work associated with the driveway, turnaround, and residence require a Grading Permit. The proposed private driveway, turnaround, and single-story residence comply with the Hillside Specific Plan and objective standards of the Town Code. Exceptions to the HDS&G are requested, including: maximum allowed height of visible homes in the hillsides; maximum height of the lowest finished floor of a structure above existing grade; maximum cut for the rear yard areas adjacent to the proposed residence; maximum cut and fill for the private driveway and fire turnaround area; and maximum retaining wall heights.

B. Recommendation - Parcel 2 (Architectural and Site Application S-21-023)

Based on the analysis above, staff recommends denial of the Architecture and Site application due to the extent of the exceptions requested.

C. Alternatives - Parcel 2 (Architectural and Site Application S-21-023)

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Approve the application by taking the following actions:
 - a. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction, and consistent with the previously prepared NOE (Exhibit 2);
 - b. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
 - c. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines with requested exceptions for: maximum allowed height of visible homes in the hillsides, maximum height of the lowest finished floor of a structure above existing grade, maximum cut for the rear yard areas adjacent to the proposed residence, maximum cut and fill for the private driveway and fire turnaround area, and maximum retaining wall heights. (Exhibit 2);
 - d. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 2);
 - e. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
 - f. Approve Architecture and Site Application S-21-023 with the conditions contained in Exhibit 3 and the development plans in Exhibit 16.

PAGE 17 OF 17

SUBJECT: 400 Surmont Drive/S-21-004 and S-21-023

DATE: November 18, 2022

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Subdivision Notice of Exemption
5. Project Description/Letter of Justification
6. Property Photos
7. Color and Materials Board – Parcel 1
8. Color and Materials Board – Parcel 2
9. Visibility Analysis
10. Consulting Architect's Report
11. Applicant's Response to Consulting Architect's Report
12. Consulting Arborist's Report
13. Applicant's Response to Consulting Arborist's Report
14. Neighbor Outreach Summary
15. Development Plans – Parcel 1
16. Development Plans – Parcel 2
17. Public Comments
18. Applicant's Response to Public Comments

***This Page
Intentionally
Left Blank***